

Translation

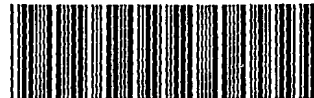
PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

PCT Application
PCT/JP2002/013627



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|--|---|---|
| Applicant's or agent's file reference A21773A | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/JP02/13627 | International filing date (day/month/year) 26 December 2002 (26.12.02) | Priority date (day/month/year) 27 December 2001 (27.12.01) |
| International Patent Classification (IPC) or national classification and IPC C12N 15/57, 9/62, 1/15, 1/19, 1/21, 5/00, C12P 21/02, C07K 16/14, G01N 33/53 | | |
| Applicant NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY | | |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

| | |
|---|---|
| Date of submission of the demand 20 June 2003 (20.06.03) | Date of completion of this report 24 September 2003 (24.09.2003) |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/13627

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☐ the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the claims:
 pages _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the drawings:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☒ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☒ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/13627

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-23 | YES |
| | Claims | | NO |
| Inventive step (IS) | Claims | 1-23 | YES |
| | Claims | | NO |
| Industrial applicability (IA) | Claims | 1-23 | YES |
| | Claims | | NO |

2. Citations and explanations

Document 1: JP 7-298881 A (Takara Shuzo Kabushiki Kaisha) November 14, 1995 (Family: none)

Document 2: JP 5-137582 A (Toyobo Co., Ltd.) June 1, 1993 (Family: none)

Document 3: WO 00/56762 A2 (NOVO NORDISK BIOTECH, INC.) September 28, 2000 & US 5807522 A

Document 4: GOMZALES L. et al., Characterization of the pcp gene of *Pseudomonas fluorescens* and of its product, pyrrolidone carboxyl peptidase (Pcp)., *Journal of Bacteriology*, 1994, Vol. 176, No. 9, p. 2569-2576

Document 5: Osamu Gotoh, Homology-based gene structure prediction: simplified matching algorithm using a translated codon (tron) and improved accuracy by allowing for long gaps., *Bioinformatics*, 2000, Vol. 16, No. 3, p. 190-202

Document 6: Kiyoshi Asai et al. Recognition of Human genes by Stochastic Parsing, *Pacific Symposium on Biocomputing*, 1998, Vol. 98, p. 228-239

Documents 1-6 neither describe nor suggest the polypeptide containing the amino acid sequence identified as Seq. ID No. 2 or a polypeptide comprising the amino acid sequence identified as Seq. ID No. 2 in which one or more than one amino acids have been deleted, substituted, or added, with said polypeptides having pyroglutamyl peptidase activity, genes encoding these polypeptides, and non-translating regions of these genes. As a result, the inventions of claims 1-23 are novel.

Documents 1-6 neither describe nor suggest molds such as *Aspergillus oryzae* that contain the polypeptide containing the amino acid sequence identified as Seq. ID No. 2 or a polypeptide comprising the amino acid sequence identified as Seq. ID No. 2 in which one or more than one amino acids have been deleted, substituted, or added, with said polypeptides having pyroglutamyl peptidase activity. Document 3 describes EST which has a base sequence with a high level of homology with the base sequence identified as Seq. ID No. 5, but it does not specifically state what kind of function EST has. Furthermore, the other documents do not describe sequences that have a high level of homology with the base sequences or amino acid sequences identified as Seq. ID Nos. 1-5. Thus, persons skilled in the art cannot easily conceive of the inventions of claims 1-23.